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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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EARL FLOWERS,

Plaintiff,

*versus*

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 1:07-CV-300

**MEMORANDUM OPINION ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court heretofore referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence.

All parties concur with the findings of fact and conclusions of law of the United States Magistrate Judge, and the court independently concludes that such findings and conclusions are correct. Therefore, the Report of the United States Magistrate Judge is **ADOPTED**, and plaintiff's "Motion for Dismissal" (Docket No. 26) is **GRANTED**.

A Final Judgment will be entered separately.

SIGNED at Beaumont, Texas, this 23rd day of June, 2008.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE